

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
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This document relates to:

Ashton v. Al Qaeda Islamic Army, 02-CV-6977

Burnett v. Al Baraka Inv. & Dev. Corp., 03-CV-9849

Continental Cas. Co. v. Al Qaeda, 04-CV-5970

New York Marine & Gen. Ins. Co. v. Al Qaida, 04-CV-6105

World Trade Ctr. Props. LLC v. Al Baraka Inv. & Dev. Corp., 04-CV-7280

DECLARATION OF STEVEN K. BARENTZEN

STEVEN K. BARENTZEN, on this 8th day of March 2006, hereby declares pursuant to 28 U.S.C. § 1746, and under the penalties of perjury, that the foregoing is true and correct:

1. I am an attorney licensed to practice law in the State of New York and the District of Columbia. I am an associate with the law firm of DLA Piper Rudnick Gray Cary US LLP and I submit this declaration in support of the Reply Memorandum of Law of Jamal Barzinji in Further Support of Motions to Dismiss Pursuant to Rule 12(B)(6) For Failure to State a Claim.

2. Exhibit A is Michael Isikoff and Mark Hosenball, *Probe Closed*, Newsweek National News (June 3, 2005), <http://www.msnbc.msn.com/id/8062039/site/newsweek>.

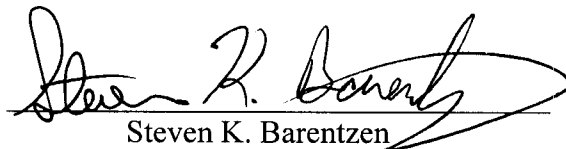

Steven K. Barentzen

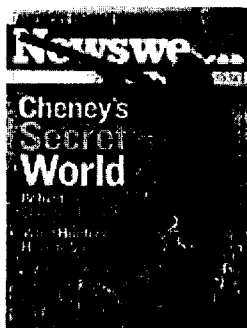
EXHIBIT A

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Column / Terror Watch

Michael Isikoff and Mark Hosenball

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Probe Closed

The suspension of a Swiss investigation into a suspected Al Qaeda could affect Washington's global battle against funders of terror.



Nada greets former Iraqi dictator Saddam Hussein in this undated picture

WEB EXCLUSIVE

By Michael Isikoff and Mark Hosenball


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Newsweek

Updated: 7:30 p.m. ET June 3, 2005

June 1 - In a significant setback for the Bush administration's international crackdown on those it suspects of funding terrorism, Swiss prosecutors have "suspended" a long-running criminal investigation into Al Taqwa, an Islamic network that Washington believes has provided financing for Al Qaeda and other terror groups.

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Youssef Nada, founder and head of Al Taqwa, told NEWSWEEK by telephone that his lawyer had received a letter from the Swiss federal attorney general's office earlier today informing him that an investigation which the office had launched in the weeks after the 9/11 attacks was to be closed. In an order issued earlier this year, a Swiss court had given the prosecutor's office until May 31 to either present the results of its investigation to a judge for further proceedings or close the file.

Mark Wiedmer, spokesman for the Swiss Attorney General's office in Bern, said that the investigation was not absolutely terminated but "suspended" because it could be restarted if new evidence was acquired by Swiss authorities. But Wiedmer acknowledged that prosecutors concluded that after three and a half years of investigation they could not put together enough evidence in time for the May 31 deadline to convince a federal investigating magistrate that a criminal case against Nada and Al Taqwa could be taken to trial. Hence the investigation had to be closed for now.

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By the same token, Wiedmer said, "We don't say they [Nada and Al Taqwa] are innocent." The

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lengthy investigation, he argued, was a "qualified success" because prosecutors now know "what's the matter [with Al Taqwa], we know what's not the matter and we know where we don't know what's the matter."

Because his name remains on U.S. and U.N. sanctions lists, Nada said, the Swiss prosecutors' decision to close down their Al Taqwa criminal investigation was, for him, insufficient vindication. "I'm still in the same position," Nada complained. Under terrorism-finance sanctions imposed by the U.S. and U.N. after 9/11, the known assets of "designated" terrorist financiers like Nada and his associates are supposed to be frozen, and their physical movements are supposed to be limited to their countries of residence.

Nada said Swiss investigators, who began their inquiry a few weeks after 9/11 with raids on the homes and offices of Nada and other Al Taqwa associates, had conducted a worldwide inquiry looking for evidence that the network had financed terrorism and "come up in the end with empty hands."

He said the U.S. Treasury should now reassess the evidence that led it to put him, his associates, and Al Taqwa on its sanctions list, and called on President Bush to order an investigation into how and why the Treasury pursued what Nada characterized as a miscarriage of justice against him. U.S. authorities, he said, had bought into inaccurate information linking him and Al Taqwa to terrorism through what he said was a "chain of misleadings." He declined to specify how he believed U.S. officials were misled or who misled them.

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of March, 2006, I caused an electronic copy of the foregoing Declaration of Steven K. Barentzen to be served by email upon all parties scheduled for electronic notice.

/s/ Steven K. Barentzen
Steven K. Barentzen (SB-8777)